

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

RIVERVIEW FARMS, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	No. 18-cv-1099 L
v.)	
)	Judge Richard A. Hertling
UNITED STATES OF AMERICA,)	
)	
Defendant.)	
)	

JOINT STATUS REPORT

Pursuant to the Court's May 7, 2021 order, the parties submit this joint status report to update the Court on their progress in conducting jurisdictional fact discovery.

Both plaintiffs and the United States completed their first production of documents in this case and have provided their written objections to document requests. Plaintiffs produced 123 documents on December 18, 2020. The United States produced 6,267 documents on February 17, 2021. Because plaintiffs had difficulty downloading the production as described in the Joint Motion to Extend Jurisdictional Fact Discovery (ECF No. 64), plaintiffs accessed the documents on April 27, 2021. Both plaintiffs and the United States have also responded to interrogatories and have completed supplemental document productions. On June 30, 2021, the United States produced 1,004 additional documents, and plaintiffs produced 10 additional documents on August 13, 2021. COVID-19 safety concerns and restrictions continue to inhibit the collection of responsive documents. Given these limitations, the parties are still gathering responsive documents and expect to further supplement their productions.

On June 2, 2021, the United States received USDA waivers from plaintiffs, but waivers from two bellwether plaintiffs were still missing information necessary to obtain USDA

responsive documents. Plaintiffs are currently obtaining that additional information for the waivers.

Over the next several months, the parties anticipate conducting depositions and site visits of the allegedly impacted areas as the COVID-19 pandemic and related restrictions allow. Depending on those restrictions, the parties may need more time to complete jurisdictional fact discovery. The parties will assess the need for an additional motion for an extension of jurisdictional fact discovery closer to the November 19, 2021 deadline.

Dated: August 20, 2021

FLINT LAW FIRM, LLC

/s/ Ethan A. Flint (with permission)

ETHAN A. FLINT

ADAM M. RILEY

222 E. Park St., Suite 500

P.O. Box. 189

Edwardsville, IL 62025

(618) 288-4777

(618) 288-2864 (facsimile)

eflint@flintlaw.com

ariley@flintlaw.com

ATTORNEYS FOR PLAINTIFFS

TODD KIM

Assistant Attorney General

Environment & Natural Resources Division

/s/ Edward C. Thomas

EDWARD C. THOMAS

DUSTIN J. WEISMAN

ASHLEY M. CARTER

MARK PACELLA

U.S. Department of Justice

Environment & Natural Resources Division

Natural Resources Section

P.O. Box 7611

Washington, D.C. 20044-7611

(202) 305-0239

(202) 305-0506 (facsimile)

edward.c.thomas@usdoj.gov

ATTORNEYS FOR THE UNITED STATES